

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cv-00159-FDW-DCK

JEFFREY RANDOLPH WATTERSON and)
RANDOLPH ALEXANDER WATTERSON,)

Plaintiff,)

vs.)

ORDER

WOODY BURGESS, JASON GREEN,)
FRANKIE DELLINGER, JENNIFER HOYLE,)
DAVID HODKINS, BOB AUSTELL, MIKE)
ALLRED, DAVID HODKINS, and the CITY)
OF CHERRYVILLE,)

Defendants.)

THIS MATTER is before the Court *sua sponte* as to the status of this case. Both Plaintiffs individually completed the “opt in” forms for this Court’s Pro Se Settlement Assistance Program (“PSAP”) (Docs. Nos. 54, 55) on September 2, 2014, and September 5, 2014. Since that time, the Clerk’s office has diligently worked to find an attorney to represent Plaintiff Jeffrey Randolph Watterson, who resides in Cherryville, as well as the co-Plaintiff, Randolph Alexander Watterson, who resides in Central Prison in Raleigh, North Carolina.

As to Randolph Watterson, who is incarcerated in a facility outside of the Western District of North Carolina, the Clerk has been unable to find an attorney willing to represent him as part of the PSAP.

As to Plaintiff Jeffrey Watterson, the Clerk’s office identified an attorney willing to accept appointment under the PSAP program. That attorney attempted to contact Plaintiff Jeffrey Watterson several times using the contact information provided by him on the Opt In

form (Doc. No. 55). According to the attorney identified as potential PSAP counsel for Jeffrey Watterson, the attempts to email Mr. Watterson at his address were returned as undeliverable, and phone calls made to the phone number would ring unanswered and then disconnect.

The Order implementing the PSAP in the Western District of North Carolina makes clear that the purpose of the PSAP is to “assist the administration of justice” See In Re: Administrative Order Adopting Pro Se Settlement Program, 3:13-mc-134, Doc. No. 2, p. 1 (October 21, 2013). This is the extremely unusual case where, despite best efforts by the Clerk’s office, no attorney has agreed to accept PSAP appointment to represent Randolph Watterson. Furthermore, Jeffrey Watterson provided incorrect contact information that has resulted in the inability for potential PSAP counsel to contact him. At this point, participation in the PSAP by these Plaintiffs is no longer assisting in the administration of justice. The Court will not delay this case any longer.

IT IS THEREFORE ORDERED that Plaintiffs are no longer enrolled in the PSAP. The Court will promptly issue a Case Management Order setting forth the schedule for this case.

IT IS SO ORDERED.

Signed: January 26, 2015

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

